

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks.

Status of Claims

Independent claims 29 and 34 and newly added dependent claims 35-41 are pending in this application. Claims 1-28 and 30-33 have been canceled.

Drawings

The Examiner is courteously requested to approve the formal drawings filed with the present application and to provide a Notice of Draftsperson's Patent Drawing Review (Form PTO-948), confirming approval by the Official Draftsperson.

Claim for Priority

The Examiner has acknowledged Applicant's claim for priority and receipt of the certified copy of the priority document in the parent application. No further action is required at this time.

Information Disclosure Statement

The Examiner has acknowledged receipt of the Information Disclosure Statement filed June 20, 2001, and has returned initialed copies of the Form PTO-1449. No further action is required at this time.

Rejection under 35 U.S.C. §102(b)

Applicant respectfully traverses and requests reconsideration of the rejections of claims 29 and 34 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,589,719 to Fiset.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

It is respectfully submitted that the combination of elements and steps set forth in amended independent claims 29 and 34 are not anticipated by Fiset.

For example, the power supply 1204 of Fiset is only a battery-powered internal supply for unit 1201, a host unit, which is not part of the IC card of Fiset (see column 13, lines 35-37). When the card out of socket detection circuit 1250 detects that IC card 1202 was removed from the host computer 1201, the power supply is

switched from the host computer 1201 to the primary battery 1213 and/or secondary battery 1214 (see column 14, lines 6-15).

Fiset further reads "Host power is supplied via signal line 1220 to the host power supply detector 1221, as shown in FIG. 4. This circuitry acts to recharge the primary 1213 and secondary 1214 batteries, as well as to direct power supplied from the host 1202 into the voltage ramping circuit 1230, as shown in FIG. 3." (See column 13, lines 48-53.)

In contrast thereto, independent claim 29 is amended to recite a charging apparatus for connecting to a communication apparatus having a combination of elements, wherein the communication channel is used to make the connection between the charging apparatus and the communication apparatus. The communication channel includes a communication line for data communication and a power supply line for supplying electric power, and the apparatus includes a charging circuit for applying electric power, with which it is supplied through the power supply line, to a connector of a data processing unit driven by a battery installed in the data processing unit. The data processing unit is formed to have the connector in order to input electric power for charging the battery, and the data processing unit is freely attachable and detachable to the connector of the charging apparatus.

In other words, the data processing unit is not included in the charging apparatus. The data processing unit is separated from the charging apparatus, because it "is freely attachable and detachable to the connector of the charging apparatus," as recited in claim 29.

On the other hand, in Fiset, the voltage ramping circuit 1230 (the data processing unit of the present claimed invention) is included in the IC card 1202 (the charging apparatus of the present claimed invention).

Independent claim 34 is amended to recite a method of charging a battery using a charging apparatus connected to a communication apparatus which is capable of performing data communication via a communication channel, and uses the communication channel to make the connection. In fact, the claim states that the communication channel includes a communication line for data communication and a power supply line for supplying electric power. These features are distinctly different than those of Fiset.

According to the Examiner, Fiset has a method of charging a battery using a charging apparatus as illustrated in FIG. 12. Data is communicated through communication channel or card 1212, which includes a communication line for data communication line 1270 and a power supply line for supplying electric power 1220.

Applicant respectfully disagrees with the assertion in the Office Action that the teachings of Fiset read on the limitations

set forth in claims 29 and 34. In reality, Fiset teaches an IC card circuit for a portable IC card which, while having similar components, does not function in a manner similar to the present invention as set forth in amended independent claim 34.

Independent claim 34 recites that the method has a combination of steps, including applying electric power, which is supplied through the power supply line, to a connector of a data processing unit driven by a battery installed in the data processing unit, forming the data processing unit to have the connector in order to input electric power for charging the battery, and charging the battery being charged by the electric power applied. These combination of steps are not found in Fiset.

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Fiset, fails to teach each and every feature as recited in amended independent claims 29 and 34.

Rejection under 35 U.S.C. §102(e)

Applicant respectfully traverses and requests reconsideration of the rejections of claims 29 and 34 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,903,700 to Fukushima.

M.P.E.P. §2131 and 706.02 require that for a rejection under 35 U.S.C. §102 to be proper, a cited reference must teach or suggest

each and every claimed element. M.P.E.P. §2143.03 states that to establish a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the cited art.

Fukushima is only nominally more relevant than Fiset in that FIG. 7 shows steps S408 and S409 for charging of a battery. However, the battery of Fukushima supplies power to a camera unit, and the charging steps shown in FIG. 7 result in the determination of whether the camera unit battery is low and needs to be charged. No charging circuit is disclosed whatsoever. Additionally, in Fukushima, there are only two independent units, namely, the recording/producing apparatus 12 and the camera unit.

On the other hand, both amended independent claims 29 and 34 of the present claimed invention include three independent units, namely, the charging apparatus, the communication apparatus and the data processing unit.

More specifically, amended independent claim 29 recites "a charging apparatus for connecting to a communication apparatus," and "a connector of a data processing unit driven by a battery installed in the data processing unit." Furthermore, in claim 29, the data processing unit is formed to have the connector in order to input electric power for charging the battery, and the data processing unit is freely attachable and detachable to the connector of the

charging apparatus. Neither of these features is shown in Fukushima.

Amended independent claim 34 recites a "method of charging a battery using a charging apparatus connected to a communication apparatus," and "a connector of a data processing unit driven by a battery installed in the data processing unit." Claim 34 also recites three steps: applying electric power, which is supplied through the power supply line, to a connector of a data processing unit driven by a battery installed in the data processing unit; forming the data processing unit to have the connector in order to input electric power for charging the battery; and charging the battery being charged by the electric power applied.

As shown in FIG. 1 and 6 of Fukushima, the recording/producing apparatus 12 is connected to the camera unit 11. The recording/producing apparatus 12 includes a battery 106, and the camera unit includes a battery 210. The charging of the battery of camera unit 11 is actuated by the main body, (i.e., the recording/producing apparatus 12).

Since, Fukushima does not teach the above-noted features of independent claims 29 and 34, it is respectfully submitted that the anticipation rejections of the claims are improper and should be withdrawn.

In view of the foregoing, it is respectfully submitted that Fiset and Fukushima fail to anticipate or disclose the presently claimed invention, and withdrawal of the rejections based thereon is respectfully requested. Independent claims 29 and 34 are allowable. Since the remaining claims depend from allowable independent claims 29 and 34, they are also allowable for at least the reasons set forth above, as well as for the additional limitations provided by these claims. Accordingly, all claims should be allowable.

**Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Should any issues remain, however, the Examiner is invited to telephone Daniel K. Dorsey (Reg. No. 32,520) at (703) 205-8000 in an effort to expedite prosecution.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

Apn. No. 09/883,938  
Docket No. 0905-0262P  
Reply to Office Action of June 9, 2003  
Page 15

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
f Michael K. Mutter  
Reg. No. 29,680

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

0905-0262P  
MKM:DKD:rk:slb  
DKD